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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 1 May 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the Committee

I have the honour to transmit to the Committee for its attention a note verbale dated 1 May 2006 from the Ministry of Foreign Affairs and Immigration of the Republic of Kiribati, enclosing the national report of Kiribati on Security Council resolution 1540 (2004) (see annex).

(*Signed*) Peter **Burian**
Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

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Annex

Note verbale dated 1 May 2006 from the Ministry of Foreign Affairs and Immigration of the Republic of Kiribati addressed to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004)

The Ministry of Foreign Affairs and Immigration of the Republic of Kiribati presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to transmit a copy of Kiribati's national report (see enclosure).

Enclosure

Report pursuant to Security Council resolution 1540 (2004)

Report by the Republic of Kiribati as required by operative paragraph 4 of Security Council resolution 1540 (2004)

Operative paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

- Kiribati does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons of mass destruction or their means of delivery.

Operative paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

- Section 14 of the *Measures to Combat Terrorism and Transnational Organised Crime Act* 2005 provides that a person commits an offence if they knowingly offer to provide, or provide, a weapon (which is defined to include chemical, biological and nuclear weapons) to a terrorist or terrorist group. Section 10 of the same Act criminalises the financing of terrorism.
- Section 62B of the *Penal Code* (Cap.67) criminalises the development, production, stock-piling, acquisition or retention of any microbial or other biological agent or toxin of a type and in a quantity that has no justification for prophylactic, protective or other peaceful purposes; or any weapon, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.
- The *Penal Code* also extends criminal liability to persons who:
  a) aid, abet, counsel or procure the commission of offences by others;
  b) attempt or conspire to commit offences; and
  c) assist others guilty of an offence to escape punishment.

- Draft legislation is presently under consideration that, when passed, will enable Kiribati to meet its obligations under the Chemical Weapons Convention. It is hoped that the legislation will be in place by mid-2006.
- Kiribati welcomes any offer to assist it in identifying and remedying deficiencies in its existing legislation so that it may better address the matters raised by this paragraph of the resolution.

Operative paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

- Border security and customs interdiction are matters of considerable importance to Kiribati, however, as a nation of small islands spread over a vast expanse of ocean, there is much that is beyond our ability to effectively monitor and control. Kiribati welcomes any assistance that may be available to review and strengthen its existing domestic controls to prevent the proliferation of weapons of mass destruction.
- Legislation is presently under development that will enable Kiribati to meet its obligations under the Chemical Weapons Convention. In the meantime, Kiribati welcomes any offer to assist it in identifying and remedying deficiencies in its existing legislation so that it may better address the matters raised by this paragraph of the resolution.

Operative paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

- Kiribati does not consider it necessary at this time to implement national control lists for goods which may be used to develop weapons of mass destruction.

Operative paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

- Kiribati is not in a position to offer assistance to other States at this time. Kiribati draws the attention of those States that are in a position to offer assistance to the comments made in response to operative paragraphs 2 and 3, namely that Kiribati welcomes any assistance that may be available to help it to implement this resolution, in particular in the areas of legislative drafting and border security.

Operative paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

- As a small and developing nation, Kiribati faces inherent impediments to its full engagement at an international level. Nevertheless, Kiribati supports global efforts in the area of non-proliferation.
- Kiribati is a State Party to the Nuclear Non-Proliferation Treaty. It has a Safeguards Agreement with the International Atomic Energy Agency and has signed the Additional Protocol to the Agreement. Steps are under way to ratify the Additional Protocol.
- Kiribati is a State Signatory to the Comprehensive Nuclear-Test-Ban Treaty and is hosting a radionuclide station on Kiritimati atoll to assist in monitoring Treaty compliance.
- Kiribati is a party to the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga).
- Kiribati is a State Party to the Chemical Weapons Convention. Legislation is presently under development that will enable Kiribati to meet its obligations under the Convention.
- Kiribati will sign the Convention for the Suppression of Acts of Nuclear Terrorism when it opens for signature.
- Consideration will be given to Kiribati becoming a party to the Biological and Toxin Weapons Convention.

Operative paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

- Kiribati undertakes to do all it can to promote dialogue and cooperation on non-proliferation of weapons of mass destruction and their means of delivery.

Operative paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

- Kiribati undertakes to do all it can to cooperate in the prevention of illicit trafficking in weapons of mass destruction, their means of delivery and related materials.